

## CO-OPERATIVE SOCIETIES REGULATIONS

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**FIRST SCHEDULE.**

**SECOND SCHEDULE.**

[Subsidiary]

255/1971,  
[201/1997].

**CO-OPERATIVE SOCIETIES REGULATIONS**

*made under section 81*

Citation.

**1.** These Regulations may be cited as the Co-operative Societies Regulations.

Register of Societies.

**2.** (1) The Commissioner shall keep or cause to be kept at his office a register to be called “The Register of Societies” wherein he shall register societies in accordance with section 17 of the Act and enter particulars relating to such societies and their bye-laws.

(2) All entries in the Register of Societies shall be made by, or under the direction of the Commissioner and shall be signed by him.

(3) Every alteration, interlineation or erasure in the Register of Societies shall be initialled by the Commissioner.

(4) The Register of Societies shall be open to inspection by the public at all reasonable times.

Application for registration.  
Form 1.  
Second Schedule.  
First Schedule.

**3.** Every application for the registration of a society shall be made to the Commissioner on the form set out as Form 1 in the Second Schedule and shall be accompanied by the fee specified in the First Schedule.

Documents to be supplied to a society.

**4.** Upon the registration of a society, the Commissioner shall forward to the society, free of charge —

(a) a certificate of registration;

(b) a copy of the bye-laws of the society as approved by him and certified under his hand as having been approved by him;

(c) a copy of the Act and of these Regulations.

Refusal to register a society.

**5.** Where the Commissioner refuses to register a society or to approve its bye-laws he shall furnish the society with his reasons therefor.

**6.** Every society shall keep a register to be called “The Register of Members” in which shall be entered

Register of members.

- (a) the name, address and occupation of each member and the number of shares held by him;
- (b) the date on which the name of each member was entered therein;
- (c) the date on which a member ceased to be a member;
- (d) the name and address of every nominee appointed under regulation 12; and
- (e) the number of shares transferred to each nominee.

**7.** Every society shall keep such account and shall use such books and forms as may from time to time be approved by the Commissioner.

Books, accounts and forms.

**8.** The admission of persons as members of a society other than original members shall be in such manner and on such conditions as prescribed by the bye-laws.

Membership.

**9.** A member may withdraw from a society by giving written notice to the Secretary but the withdrawal shall be without prejudice to section 42 of the Act.

Withdrawal from society.

**10.** Where a member ceases to qualify for membership in a society, under the Act or these Regulations or the bye-laws, the board shall cause his name to be struck off the Register of Members, but the striking-off of the name shall be without prejudice to any liability of the person under section 42 of the Act.

Disqualification for membership.

**11.** No society shall fix a limit to the number of its members without the approval of the Commissioner.

Number of members.

**12.** (1) Every appointment of a nominee by a member of a society shall be made in writing and signed by the member in the presence of two attesting witnesses.

Appointment of nominees.

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(2) A member of a society with a share capital is not entitled to appoint more than one nominee in respect of each share he holds.

(3) In every case where more than one nominee is appointed by a member the number of shares or the exact proportion of the shares to be transferred to each nominee shall be specified at the time of the appointment.

(4) For the purpose of a transfer to a nominee, the value of any share or interest shall be represented by the sum paid for that share or interest by the member holding it.

(5) Where any money is paid to a nominee who is an infant, a receipt given by the infant or by his parent or guardian as the case may be, shall be a good and sufficient discharge of the liability of the society in respect of that money.

Division of surplus.  
[201/1997].

**13.** (1) No dividend or payment on account of surplus shall be made by a society with unlimited liability until the reserve fund has reached a proportion of not less than one-tenth of the total liabilities of the society.

(2) *(Revoked by LN 201/1997).*

(3) At the end of a financial year, a bonus based on wages or on the value of the products of a member, or a bonus or rebate on patronage calculated in proportion to the amount of the business done by each member with the society may be distributed among its members from any balance of the surplus of the society, after making the prescribed provision for the reserve fund, and from any available surplus of past years.

(4) A bonus or rebate may be paid to the members before the end of a financial year only where the Commissioner so authorises.

Limit to liability.

**14.** (1) Every society shall, from time to time, fix at a general meeting the maximum liability it may incur in respect of loans or deposits whether from members or non-members.

(2) The maximum liability fixed under subregulation (1) shall be subject to the approval of the Commissioner, who may at any time reduce it.

(3) No society shall receive loans or deposits in excess of the maximum liability approved or fixed by the Commissioner.

**15.** The supreme authority in a society shall be vested in the general meeting of the society.

Authority of general meeting.

**16.** Every member of a society has a right to attend and vote at all general meetings of the society.

Right of member to attend general meetings.

**17.** Every society shall hold its first general meeting within one month of receiving its certificate of registration and the rights and powers exercisable at the meeting shall be the same as those exercisable at an annual general meeting.

First meeting of members.

**18.** (1) The annual general meeting of a society, of which at least seven days' notice shall be given to the members, shall be convened by the Board not later than one month after the report on the audit of the accounts of the society is received by the Board.

Convening of annual general meeting.

(2) Notwithstanding subregulation (1) the Commissioner may, if he thinks fit, at any time after the audit of the accounts has been completed convene the annual general meeting and the meeting shall proceed as if it had been convened by the Board.

**19.** (1) The Board may convene a special general meeting at any time and shall do so on receipt of a demand for the meeting from the requisite number of members as prescribed by the bye-laws. The demand shall state the object of the meeting and shall be signed by such members.

Convening of special general meeting.

(2) Notwithstanding subregulation (1) the Commissioner or a person authorised by him in writing may at any time, summon a special general meeting of a society in such manner and at such time and place as the Commissioner or that person may direct.

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Chairman of meetings.

**20.** (1) The President of the Board, or in his absence the Vice-President, or in the absence of both, any other person elected by a majority of the members present, shall preside at the annual or special general meeting.

(2) The Commissioner or a person authorised by him in writing shall preside at any meeting convened by the Commissioner or at his demand.

(3) The Chairman may, by a decision of the meeting, adjourn the meeting from time to time and from place to place but no business shall be transacted at any meeting so adjourned other than the business left unfinished at the meeting from which the adjournment took place.

(4) The Chairman shall have the right to order the closure of a discussion and put the matter to the vote.

Voting at meetings.

**21.** Any question other than those specified in these Regulations submitted for the decision of the members present at a meeting shall be decided by a majority of votes.

Voting of resolution by show of hands.

**22.** (1) A resolution put to the vote at any meeting shall be decided on a show of hands, unless the bye-laws otherwise provide.

(2) In respect of every resolution put to the vote the Chairman shall declare —

- (a) whether it has been carried or lost;
- (b) whether the voting was by show of hands; and
- (c) whether the decision was unanimous or by a particular majority, and in respect of all such declarations, the minutes shall be conclusive evidence thereof.

Minutes of meetings.

**23.** Minutes of the meetings shall be entered in the minute book and shall be signed by the Chairman and the Secretary. The minute book shall contain —

- (a) the names of the officers and the number of members present at the meeting;

- (b) the time fixed for the meeting and the time the meeting commenced;
- (c) the membership of the society on the date of the meeting; and
- (d) the resolutions passed or decisions made at the meeting.

**24.** The Board shall be elected at the annual general meeting of the society in accordance with the bye-laws of the society.

Election of Board.

**25.** (1) The Board shall represent the society before all competent public authorities and in all dealings and transactions with third persons, and shall carry out such duties in the management of the affairs of the society as have not been specifically assigned by these Regulations or the bye-laws to general meetings or to an officer.

Powers and duties of the Board.

(2) The Board may institute suits in the name of the society and defend suits brought against the society.

(3) The Board shall keep conspicuously displayed at the registered office of the society —

- (a) a copy of the latest annual balance sheet of the society; and
- (b) a copy of the latest annual report on the audit of the accounts of the society.

**26.** The Board shall meet as often as the business of the society may require.

Meetings of the Board.

**27.** A member of the Board who, without its approval, fails to attend three consecutive meetings of the Board shall be deemed to have vacated his office and the office shall thereupon be filled as provided in regulation 28.

Failure to attend Board meeting

**28.** Whenever a vacancy occurs on the Board, the remaining members of the Board shall, within fourteen days of the occurrence of the vacancy fill the vacancy by appointing a substitute elected at the last annual general meeting in accordance with the bye-laws.

Vacancy on Board.

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Borrowing powers of Board.

**29.** The Board may borrow money on behalf of the society to an amount not exceeding the maximum liability fixed in accordance with regulation 14.

Appointment of officers.

**30.** (1) The Board shall appoint a Secretary whose duties shall be prescribed by the bye-laws.

(2) The Board may appoint such officers and employees as it considers necessary.

Security for financial officers.

**31.** An officer or employee whose duties involve the handling of the funds of a society shall give security in such amount as may be determined by the Board and approved by the Commissioner.

Bad debts.

**32.** The Board may, with the approval of the general meeting, cause bad debts to be written off the books of the society.

Preparation of balance sheet.

**33.** The Board shall in every year within such time as the Commissioner may direct—

(a) cause to be prepared and sent to the Commissioner—

- (i) the audited balance sheet as at the end of the preceding financial year;
- (ii) a detailed statement of the profit and loss account for the preceding financial year;
- (iii) a statement of the receipts and payments for the preceding financial year; and
- (iv) a statement containing the name and address of every member in default and the amount he is owing as at the end of the financial year;

(b) prepare and send to the Commissioner such statistical information as he may require;

(c) prepare a report on the work of the society during the preceding financial year for presentation to the annual general meeting.

**34.** In the case of a society whose primary object is the granting of loans to its members and in which name the words “Credit Union” appear, loans shall be approved by the credit committee (hereinafter called “the committee”). In all other cases loans shall be approved by the Board.

Loan to be approved by Board or committee.

**35.** Every member who desires to obtain a loan from his society shall submit an application to the Board or committee, as the case may be, which shall state —

Application for loan.

- (a) the amount of money required;
- (b) the purpose for which it is required;
- (c) the period for which it is required;
- (d) whether it is desired to repay the loan by instalments; and
- (e) the nature of any security that is offered or the names, addresses and occupations of the proposed sureties.

**36.** (1) The Board or the committee, as the case may be, shall consider at a meeting every application for a loan and if it is satisfied with the trustworthiness of the applicant, the sufficiency of any security offered (if required) and the prospects of advantage to the borrower in the way of increased production or economy or otherwise, it may approve the loan.

Approval of loan.

(2) The only persons who may be present at a meeting of the Board or committee when an application for a loan is being considered are the members of the Board or the committee, as the case may be, the Secretary and the Commissioner and his staff.

(3) A member of the Board or committee who applies for a loan or who is proposed as a surety for a loan must withdraw while the relevant application is being considered.

(4) If there is a difference of opinion concerning the granting of a loan, the voting shall be taken by ballot.

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(5) The proceedings at a Board or committee meeting with regard to loans shall be kept secret, and where this provision is infringed—

- (a) by a member of the Board or committee, that member is liable to expulsion from the Board or committee, as the case may be; and
- (b) by an officer of the society, that officer is liable to dismissal from office.

Granting of loans.

37. Loans, when approved, shall be granted to members in accordance with regulation 40.

Purpose of loans.

38. (1) No loan shall be made without the approval of the Board or committee, as the case may be.

(2) A loan shall be applied only to such purpose for which it was granted.

Notification of approval to borrower.

39. When a loan is approved by the Board or committee a notice to that effect shall be sent to the borrower.

Instruments to be executed.

40. Where a loan is made the borrower and his sureties, if any, shall execute an instrument in writing containing the terms of repayment of the loan and such other terms and conditions as the Board or committee may consider necessary, but if he is required to provide security for the loan he shall execute an instrument of charge in the form set out as Form 2 in the Second Schedule.

Form 2.  
Second  
Schedule.

Inspection of  
Register Book  
of Co-operative  
Societies'  
Charges.  
First Schedule

41. Any person may, on payment of the fee specified in the First Schedule, inspect the Register Book of Co-operative Societies' Charges and take extracts therefrom.

Restriction on  
loans to  
defaulters.

42. Where a member—

- (a) is in default in the repayment of a loan or the payment of an instalment in respect of a loan; and
- (b) does not satisfy the Board or committee that his default is due to a good cause,

that member shall not be granted a further loan until he has repaid the existing loan.

43. Where, owing to sickness or some other cause, a member finds that he will be unable to discharge his obligations to the society in respect of any loan made to him and notifies the Secretary in writing before the time fixed for repayment of the loan or the payment of any instalment, the Board or committee, as the case may be, may extend the time fixed for repayment of the loan or payment of the instalment, as the case may be, on such conditions as it thinks fit.

Extension of  
time on loans.

44. Where the Board or committee is satisfied that a member of the society who has obtained a loan has applied the loan or any part thereof to a purpose other than the purpose for which it was granted, the Board or the committee, as the case may be, may by notice in writing to the member demand repayment of the loan before the agreed date of repayment.

Misapplication  
of loan.

45. Where—

- (a) on the due date a loan has not been repaid or any instalment in respect of a loan has not been paid; and
- (b) no extension of time for the repayment of the loan or the payment of the instalment, as the case may be, has been sought or given under regulation 43,

Recovery of  
loans.

the Board or committee, as the case may be, may take steps for the recovery of the loan or instalment by referring the matter to the Commissioner as prescribed in section 67 of the Act.

46. (1) Any share may be transferred with the approval of the Board to any other member at the option of the transferor, but if the transferee is not a member, he must be approved as a member by the Board, or the general meeting in accordance with the bye-laws relating to the admission of members, before the transfer can be registered; and if the bye-laws require a member to hold more than one share the transferee must acquire by the transfer, or by the transfer and allotment, the number of shares required to be held before the transfer can be registered.

Transfer of  
shares.

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(2) An application to transfer shares shall be in such form as approved by the Commissioner.

(3) No transfer of a share shall be valid and effective unless and until the transfer has been registered by the Secretary on the direction of the Board.

(4) No transfer of a share shall be registered if made by a member indebted to the society without special order of the Board, and until the transfer of a share is registered no right shall be acquired against the society by the transferee, nor shall any claim of the society against the transferor be affected thereby.

Reserve fund.

47. The reserve fund of a society, established under section 47 of the Act, may with the approval of the Commissioner be applied to meet bad debts or losses sustained through extraordinary circumstances over which the society has no control.

Audit of accounts.

48. (1) The accounts of every society shall be audited within two months of the end of the financial year by the Commissioner or a person authorised by the Commissioner.

(2) Where a person is authorised by the Commissioner to audit the accounts of a society that person shall, in addition to complying with the requirements of section 51(3) of the Act, examine the annual statement of receipts and expenditure, the profit and loss account and the balance sheet and verify them with the accounts and vouchers relating thereto and if they are found to be correct and in accordance with the Act and these Regulations he shall so certify at the foot of the balance sheet, but if they are found to be otherwise he shall report to the Commissioner the respects in which he finds any of them incorrect or not in accordance with the Act or these Regulations and the Commissioner shall forward the report to the Board together with such comments as he considers necessary.

Supervisory and Audit Fund.

49. (1) There shall be constituted a fund to be called "The Supervisory and Audit Fund", (hereinafter called "the Fund") and every society, the accounts of which have been audited by

the Commissioner or a person authorised by him shall when called upon to do so by the Commissioner, make annually a contribution to the Fund.

(2) Until such time as a society for supervision and audit has been established and registered—

- (a) the Fund shall be held by the Commissioner and administered by him on behalf of the contributing societies;
- (b) the Commissioner shall fix the amount of the annual contribution to the Fund. The amount shall be subject to a maximum of either ten per cent of the net annual surplus of the society or one per cent of the working capital of the society whichever is less but shall not in any case be less than ten dollars.

(3) So long as the Commissioner administers the Fund he shall furnish the Minister with an annual report showing the income derived from contributions, the expenditure he has sanctioned from the Fund and the balance in hand.

(4) As soon as a society for supervision and audit has been established and registered, the Fund shall be credited to the society and shall be utilised by the society in accordance with its objects and bye-laws.

**50.** (1) The bye-laws of a society shall contain provisions in respect of the following matters: Bye-laws. [201/1997].

- (a) the name of the society;
- (b) the registered address of the society and its area of operations;
- (c) the objects for which the society was established;
- (d) the purposes to which the funds may be applied;
- (e) the qualifications for membership and the terms of admission to membership;
- (f) the manner and terms of withdrawal from the society;

- (g) the grounds and manner of expulsion of a member from the society;
- (h) the nature and extent of the liability of members;
- (i) the manner of raising funds, including the maximum rate of interest on deposits;
- (j) the procedure at general meetings and at meetings of the Board, and the manner of convening the meetings;
- (k) the number of members to constitute a quorum;
- (l) the composition of the Board and the mode of election thereto;
- (m) the duties of the officers and the manager;
- (n) the manner of the investment of the funds of the society; and
- (o) the financial year of the society.

(2) If the objects of a society include the creation of funds to be lent to its members, the bye-laws shall contain, in addition to the matters specified in subregulation (1) provisions in respect of the following matters:

- (a) the conditions on which loans may be made to members including the rate of interest, and the manner of recovery; and
- (b) the consequence, if any, of default in payment of any sum due on account of shares.

(3) A society whose primary object is the granting of loans to its members and in which name the words “Credit Union” appear, shall provide in its bye-laws that—

- (a) the liability of the members for the debts of the society shall be limited by shares;
- (b) a member may withdraw any portion of his share capital not otherwise pledged to the society on demand except that the Board may require notice for a period not exceeding six months;

- (c) in addition to the Board, two committees shall be elected annually by the members, namely —
  - (i) a credit committee for the granting of loans to members; and
  - (ii) a supervisory committee for purposes of supervision;
- (d) a member of the supervisory committee shall not be eligible for membership to the Board or to the credit committee;
- (e) deposits may be received from members only.
- (f) (*Deleted by LN 201/1997*).

(4) Subregulation (3) does not apply to a society whose object is to assist or foster Credit Unions and whose membership is composed entirely of Credit Unions.

**51.** (1) A resolution to amend the bye-laws of a society in accordance with section 21 of the Act shall not be valid unless it was passed by a majority of not less than three-fourths of the members present at the general meeting at which the resolution was proposed.

Amendment to  
bye-laws.

(2) If a resolution referred to in subregulation (1) is not passed by the required majority the same resolution may unaltered be proposed at another general meeting convened for the purpose, not earlier than one month nor later than two months after the general meeting at which it was first proposed and if it is then passed by a majority of members the resolution shall be valid for the purposes of section 21 of the Act.

(3) A copy of every resolution passed under subregulations (1) and (2) shall be forwarded to the Commissioner together with three copies of the amendment.

**52.** (1) A copy of an entry in any register, book or other record kept in the course of business of a society may be certified by a certificate affixed at the foot of the copy declaring that it is a true copy of the entry and that the register, book or other record, as the case may be, containing the entry is still in the custody of the society; the certificate being dated and signed by the Secretary and one member of the Board.

Copies of  
entries.

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First Schedule. (2) Any person may, on payment of the fee specified in the First Schedule, obtain from the Secretary of a society a certified copy of an entry in any register, book or other record kept in the course of business of the society.

Reference of dispute to Commissioner. **53.** (1) A dispute may be referred to the Commissioner under section 67(1) of the Act—  
(a) by the Board;  
(b) by the society in pursuance of a resolution in that behalf taken in general meeting;  
(c) by any party to the dispute; or  
(d) where the dispute concerns a member of the Board and the society, by any member of the society.

(2) Every dispute shall be referred to the Commissioner by a statement in writing addressed to the Commissioner. The statement shall specify the nature of the dispute, set out full particulars of the dispute and shall be dated and signed by the party referring the dispute.

Reference to arbitration by Commissioner. **54.** (1) Where by section 67(3) of the Act, the Commissioner refers a dispute to arbitration, the reference shall be embodied in an order of reference under his hand.

(2) Every order of reference under subregulation (1) shall—  
(a) specify the name, surname, place of abode and occupation of the arbitrator or arbitrators;  
(b) set out the dispute and full particulars thereof; and  
(c) specify the time within which the award shall be forwarded by the arbitrator or arbitrators to the Commissioner.

(3) Notwithstanding subregulation (2)(c), where the Commissioner is satisfied that there is good cause for doing so he may, by a further order, extend the time within which an award shall be forwarded to him.

(4) Where the Commissioner considers it fit to refer a dispute to more than one arbitrator, the reference shall be to three arbitrators of whom one shall be nominated by each party to the dispute and the third shall be nominated by the Commissioner and shall act as Chairman.

(5) Where there is more than one party on any side, the Commissioner shall determine which of them is the principal party and that party is entitled to nominate an arbitrator.

(6) Where a reference is made to three arbitrators, the following provisions shall have effect:

- (a) if any party to the dispute fails to nominate an arbitrator within such time as the Commissioner may specify, the Commissioner may make the nomination;
- (b) if an arbitrator nominated by one of the parties to the dispute dies, or refuses or neglects to act, or by absence or otherwise becomes incapable of acting, the Commissioner shall call upon the party concerned to nominate a new arbitrator and if a new arbitrator is not nominated within such time as the Commissioner may specify, the Commissioner may make the nomination;
- (c) if an arbitrator nominated by the Commissioner dies, or refuses or neglects to act, or by absence or otherwise becomes incapable of acting, a new arbitrator may be nominated by the Commissioner;
- (d) the opinion of the majority of the arbitrators shall prevail.

**55.** (1) The proceedings before the Commissioner or the arbitrator or arbitrators, as the case may be, shall be conducted as nearly as possible as proceedings before a Court of law and in particular the following shall have effect in respect thereof:

Proceedings  
before  
arbitrators.

- (a) written notice of the time and place at which the proceedings are to be held shall be served upon the parties to the dispute at least ten days before the date of the hearing;

- (b) the evidence adduced at the hearing shall be reduced in writing and shall be dated and signed by the Commissioner, or the arbitrator or arbitrators, as the case may be;
- (c) every party to a dispute is entitled to appear at the hearing thereof and may be represented by an Attorney-at-law or any person who in the opinion of the Commissioner or arbitrator or arbitrators, as the case may be, is competent to assist such party in the presentation of his case;
- (d) documentary exhibits shall be marked, dated and initialled by the Commissioner or arbitrator or arbitrators, as the case may be, and shall be attached to the record of the proceedings;
- (e) where a party is duly served and he fails to attend at the hearing, the dispute may be heard and determined *ex parte*.

Form 3.  
Second  
Schedule.

(2) The decision given in respect of every dispute shall be recorded in the form set out as Form 3 in the Second Schedule and shall be dated and signed by the Commissioner, or arbitrator or arbitrators, as the case may be.

(3) Upon the conclusion of the proceedings the arbitrator or arbitrators shall immediately forward to the Commissioner the record of the proceedings including the notes of evidence, documentary exhibits and the award.

Procedure on  
liquidation.

**56.** Where a liquidator has been appointed under section 58 of the Act the following procedure shall be adopted:

- (a) the appointment of the liquidator shall be published by the Commissioner in the *Gazette*;
- (b) the liquidator shall at once take charge of the books and property and assets of the society and publish by such means as he may think proper a notice requiring all claims against the

society to be notified to him within two months of the publication of the notice. He shall thereafter proceed to take such further action as he is empowered to take under the Act. All liabilities recorded in the account books of a society shall be deemed to have been duly notified to the liquidator;

- (c) the liquidator shall make separate orders against the various members and past members of the society, noting the amount to be realised from each as a contribution under section 61 of the Act and the cost of liquidation under the said section. These orders shall be submitted for approval to the Commissioner, who may modify them or refer them back to the liquidator for further inquiry or other action;
- (d) if the sum assessed against any member is not recovered, the liquidator may frame a subsidiary order or orders against any other member or members to the extent of the liability of each for the debts of the society, until the whole amount due from members is recovered, and these orders shall be dealt with in the same way as orders under subregulation (c);
- (e) the liquidator shall submit a monthly report to the Commissioner in such form as the Commissioner may require;
- (f) all funds in charge of the liquidator shall be deposited in a recognised bank, and shall stand in his name as liquidator;
- (g) the Commissioner shall fix the amount of the fee, if any, to be paid to the liquidator, which may be by way of commission.

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Chap. 81:03

Co-operative Societies

[Subsidiary]

Co-operative Societies Regulations

Liquidator to forward records to Commissioner.

57. Where the affairs of a society for which a liquidator has been appointed have been wound up and an order cancelling the registration is made under section 62 of the Act, the liquidator shall forward all the books and records of the cancelled society, and all his own papers and proceedings to the Commissioner, together with an account of his expenses, showing how the surplus assets, if any, have been disposed of, and attaching the receipt of the person to whom it was handed over.

Regulations 3 and 41.

FIRST SCHEDULE

FEES PAYABLE TO THE COMMISSIONER

For the registration of a society under the Act ... .. \$10.00

FEES PAYABLE TO THE REGISTRAR GENERAL

For inspection of the Register Book of Co-operative Societies' Charges and taking extracts therefrom ... .. \$1.00

FEES PAYABLE TO A SOCIETY

In respect of a certified copy of an entry in any register, book or other record kept by a society, for every 100 words or part thereof ... .. \$1.00

**SECOND SCHEDULE**

Regulations 3,  
40 and 55.

REPUBLIC OF TRINIDAD AND TOBAGO

**FORM 1**

**THE CO-OPERATIVE SOCIETIES ACT  
APPLICATION FOR REGISTRATION**

To: The Commissioner for Co-operative Development,  
Port-of-Spain.

1. Application for registration of the undermentioned society under the Co-operative Societies Act is hereby made by the persons whose signatures appear hereunder:
2. The name of the society is .....
3. The registered address is at .....
4. The area of operations of the society is .....
5. The objects of the society are as stated in the bye-laws .....
6. The bond of membership is .....
7. The financial year will terminate on the ..... day of ..... in each year.
8. The liability of the members for the debts of the society is limited/unlimited.\*
9. The society was established on the ..... day of ..... 20..... and at the date of this application there are ..... members in the society.
10. Herewith enclosed are three copies of the proposed bye-laws.
11. The sum of S ..... is enclosed, being registration fee.

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\*Delete what is not applicable.



REPUBLIC OF TRINIDAD AND TOBAGO

FORM 2

Regulation 40.

**THE CO-OPERATIVE SOCIETIES ACT**  
**INSTRUMENT OF CHARGE**

I.....  
of.....  
(hereinafter called "the Borrower"), being owner of the property described in the Schedule hereto, and being a member of the .....  
.....  
(hereinafter called "the Society"), in consideration of the sum of .....  
..... dollars  
lent to me this day by the Society, the receipt whereof is hereby acknowledged, I do hereby create a charge on the property described in the Schedule hereto, in favour of the Society as security for the repayment to the Society of the said sum of .....  
..... dollars together with interest thereon at the rate of ..... per cent a year, by ..... instalments of .....  
..... dollars as from the ..... day of .....  
....., 20.....

Now these presents witness that in consideration of the sum lent to the Borrower as aforesaid the Borrower hereby agrees that the charge hereby created is subject to the following covenants and conditions, that is to say:

- (1) That he will repay the principal together with interest thereon on the ..... day of ..... 20.....
- (2) That he will not, at any time while any moneys remain owing hereunder, do or allow to be done any act whereby the property may become prejudicially affected.
- (3) That he is entitled to retain possession and use of the property unless he makes default—
  - (a) in the payment of any instalment or of the principal or interest thereon; or
  - (b) in the observance or performance of any covenant or condition herein expressed in which case the Society may immediately upon such default or at anytime thereafter, through an agent authorised by the Society in that behalf—
    - (i) seize and take possession of the property or any part thereof; and

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- (ii) sell the property so seized and taken possession of either at auction or by private treaty and in either case the property may be sold separately or together or in lots or for a lump sum payment or for payment by instalments as the Society may deem expedient.

(4) That upon a sale of the property or of any part thereof by the Society the following provisions shall have effect, that is to say:

- (a) the proceeds of sale shall be applied in accordance with section 29(2)(c) of the Co-operative Societies Act;
- (b) no purchaser of such property shall be bound to inquire as to the propriety or regularity of the sale or shall be affected by any impropriety or irregularity of or at such sale;
- (c) the Society shall not be answerable to the Borrower in damages or otherwise for any loss occasioned to the Borrower by the sale or for any act, neglect or default of the Society or of its authorised agent.

THE SCHEDULE

.....  
 .....  
 .....  
 .....  
 .....

(Add additional sheet if space allotted is too small)

Executed in duplicate at .....

this ..... day of ....., 20.....

.....  
*Signature of Borrowing Member*

Signed in our presence by the said ..... who is personally known to us.

.....  
*President/Chairman*

.....  
*Secretary*

of the.....

\_\_\_\_\_

REPUBLIC OF TRINIDAD AND TOBAGO

**FORM 3**

Regulation 55.

**THE CO-OPERATIVE SOCIETIES ACT  
DETERMINATION AND ORDER**

IN THE MATTER OF A DISPUTE

BETWEEN

.....(Complainant)

AND

.....(Respondent)

referred to me pursuant to section 67 of the Co-operative Societies Act

I, ..... Commissioner for  
Co-operative Development, do order and determine as follows:

- (1) .....
- (2) .....
- (3) The cost and expenses of hearing and determining the dispute are  
S .....
- (4) I direct that costs and expenses in the amount of S ..... be paid  
by .....  
to .....

Given under my hand this ..... day of ....., 20.....

.....  
*Commissioner for Co-operative Development*

N.B.—This Form is to be adapted in the case of an award by an arbitrator or arbitrators  
under section 67.